

FILED

SEP 14 2016

Clerk, U.S. District Court
District Of Montana
Great Falls

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-13-45-GF-BMM-01

Plaintiff,

vs.

ORDER

SHYANN MARIE DUPREE,

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter August 29, 2016. (Doc. 43.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 23, 2016. (Doc. 39.) Dupree admitted that she violated the conditions of her supervised release. The violations prove serious and warrant revocation of Mortenson's supervised

release. Judge Johnston has recommended that the Court revoke Dupree's supervised release and commit Dupree to the custody of the Bureau of Prisons for three months and given credit for time served (Doc. 43 at 5-6.) Judge Johnston further has recommended that Mortenson's term of custody be followed by 33 months of supervised release, the first six months of which shall be spent in a residential re-entry center.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Dupree's violations of her conditions represent a serious breach of the Court's trust. A sentence of three months custody followed by 33 months of supervised release, the first six months of which shall be spent in a residential re-entry center, represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 43) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Shyann Marie Dupree be sentenced to three months custody followed by 33 months of supervised release, the first six months of which shall be spent in a residential re-entry center. The conditions previously imposed shall be continued.

DATED this 13th day of September, 2016.

A handwritten signature in black ink, appearing to read "Brian Morris", written over a horizontal line.

Brian Morris
United States District Court Judge